

**ALBUQUERQUE BERNALILLO COUNTY  
WATER UTILITY AUTHORITY  
SEWER USE AND WASTEWATER CONTROL ORDINANCE**

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**PART 1: GENERAL PROVISIONS**

**3-1-1. SHORT TITLE.**

This Ordinance shall be known and may be cited as the "Sewer Use and Wastewater Control Ordinance."

**3-1-2. PURPOSE AND POLICY.**

The purpose of this Ordinance is to set uniform requirements for users of the Authority's wastewater collection system and treatment works to enable the Authority to comply with the provisions of the Clean Water Act and other applicable federal and state laws and regulations, to preserve the capital assets of the treatment works, to avoid tort claims and worker's compensation claims, to protect the environmental initiatives of the wastewater treatment division, to avoid financial losses related to environmental remediation, to avoid downgrading of water and sewer bond debt ratings, to forestall increases to water and sewer rates, and to provide for the public health and welfare by regulating the quality and quantity of wastewater discharged into the Authority's wastewater collection system and treatment works, and to otherwise ensure protection of public health and the environment through proper disposal of wastewater and

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septage and other holding tank waste. This ordinance provides a means for determining wastewater volumes, constituents and characteristics, and the issuance of permits to certain users. This ordinance also establishes effluent limitations and other discharge criteria and provides that certain users shall pretreat or minimize waste to prevent the introduction of pollutants into the publicly owned treatment works (hereinafter referred to as POTW) which will interfere with the operation of the POTW or contaminate the sewage sludge, to prevent the introduction of pollutants into the POTW which will pass through the treatment works into the receiving waters or otherwise be incompatible with the treatment works, and to improve opportunities to recycle and reclaim wastewaters and the sludges resulting from wastewater treatment. This ordinance provides measures for the enforcement of its provisions and abatement of violations thereof.

**3-1-3. DEFINITIONS.**

For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ACT or THE ACT.** The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251, et. seq.

**APPROVAL AUTHORITY.** The Regional Administrator of the EPA, Region VI.

**AUTHORITY.** The Albuquerque Bernalillo County Water Utility Authority.

**AUTHORIZED REPRESENTATIVE OF THE USER.**

(1) A President, Secretary, Treasurer, or a Vice President of a corporation who is in charge of a principle business function, or any other person who performs similar policy or decision making functions for the corporation;

(2) The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

(3) A general partner or proprietor if the user is a partnership or proprietorship, respectively;

(4) A department head or authorized employee when the user is a governmental agency; or

(5) A duly authorized representative of the individual designated in divisions (1), (2), (3), or (4) above if such representative is responsible for the overall operation of the facility from which the discharge originates.

**BOD or BIOCHEMICAL OXYGEN DEMAND.** The quantity of oxygen utilized in the biochemical oxidation of organic matter by 40 CFR 136 or EPA accepted *Standard Methods* procedures in five days at 20° C expressed in milligrams per liter (mg/l).

**CATEGORICAL PRETREATMENT STANDARD or CATEGORICAL STANDARD.** Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 USC 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405 - 471.

**COD or CHEMICAL OXYGEN DEMAND.** A measure of the oxygen-consuming capacity of organic and inorganic matter present in wastewater as milligrams per liter (mg/l), by 40 CFR 136 or EPA accepted *Standard Methods* procedures.

**COMPOSITE SAMPLE.** Either a flow weight or time weight sample as defined separately unless otherwise specified.

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**CONTROL MANHOLE.** A manhole which is constructed with appropriate flow measuring flumes and equipment as may be required by the Industrial Waste Engineer.

**CONTROL SANITARY CLEANOUT.** A device installed to allow access to the wastewater discharge of a facility for purposes of sample collection. This will normally be a tee of an appropriate size inserted into the sewer line and constructed as required by the Industrial Waste Engineer.

**COOLING WATER.** The water discharged from any use such as air conditioning, cooling or refrigeration or other uses which add no significant pollutants or do not cause the temperature of the discharge to be greater than 140° F.

**DAILY MAXIMUM ALLOWABLE DISCHARGE LIMIT.** The maximum concentration of a specified pollutant allowed to be discharged in a volume of water or wastewater, determined from the analysis of a minimum of two discrete or one flow or time weight composited sample collected during a 24 hour period, independent of the industrial flow rate and the duration of the sampling event. The time period may be less than 24 hours to correspond with actual hours of operation.

**DILUTION.** The additional use of potable water for the purpose of reducing the concentration of pollutants in the wastewater before discharging to the POTW. The normal use of potable water for sanitary facilities and food preparation shall not be considered dilution.

**DISCHARGE.** The release from any vehicle, container, sewer line, or structure, of any waste governed by this ordinance.

**DISCHARGE MONITORING REPORT.** A report submitted by a user to the Industrial Waste Engineer pursuant to §§ 3-3-1 et seq. and 3-4-1 et seq. or other applicable provisions of this ordinance containing information relating to the nature and concentration of pollutants and flow characteristics of the discharge from the user to the POTW using standard methods approved by the Industrial Waste Engineer.

**DOMESTIC WASTEWATER.** Effluent which contains constituents and characteristics similar to effluent from a residence and specifically for the purposes of this ordinance does not contain COD or BOD and TSS in excess of the following concentrations:

- (1) COD = 500 mg/l.
- (2) BOD = 250 mg/l.
- (3) TSS = 330 mg/l.
- (4) NH<sub>3</sub>N = 25 mg/l

**DRAINAGE CONVEYANCE.** A natural or man-made system for transport of unpolluted storm or other runoff.

**EXECUTIVE DIRECTOR.** The Executive Director of the Albuquerque Bernalillo County Water Utility Authority or his designated representative.

**EXISTING SOURCE.** Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

**FLOW WEIGHT COMPOSITE SAMPLE.** A sample consisting of several portions of the user's discharge collected during a 24-hour period in which the portions of sample are proportionate to the flow and combined to form a representative sample. The time period may be less than 24 hours to correspond with actual hours of operation.

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**FOUR DAY AVERAGE.** The average of four consecutive 24-hour composite samples.

**GARBAGE.** Solid wastes from the preparation, cooling, and dispensing of food, and from the handling, storing, and sale of produce.

**GRAB SAMPLE.** A sample which is taken from a waste stream representing the conditions at that moment with no regard to the flow in the waste stream and without consideration of time.

**HEARING.** An examination of the issues before the Hearing Officer, whether the issues are law or fact.

**HEARING OFFICER.** The person designated by the Executive Director of the Albuquerque Bernalillo County Water Utility Authority, who is authorized to conduct hearings as provided in this ordinance, subject to the rules and regulations established by the Executive Director of the Albuquerque Bernalillo County Water Utility Authority.

**HOLDING TANK WASTE.** Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, sand traps, grease traps, vacuum-pump tank trucks, and includes wastewaters from industrial users. Such wastes are considered as a composite sample for compliance purposes.

**INDIRECT DISCHARGE.** The discharge or the introduction of pollutants from any nondomestic source regulated under section 307 (b), (c), or (d) of the Act, (33 USC 1317). This pertains to EPA promulgated effluent standards for certain discharges.

**INDUSTRIAL WASTE ENGINEER.** The person designated by the Executive Director to supervise the operation of the approved pretreatment program and who is charged with certain duties and responsibilities by this ordinance. The Industrial Waste Engineer also means any other individual designated by the Executive Director to enforce the provisions of this ordinance.

**INTERFERENCE.** A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent state or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II, commonly referred to as the Resource Conservation and Recovery Act (RCRA); and state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

**LATERAL SEWER.** An individual user's sewer pipe beginning at the public sewer and extending to the premises actually served. The lateral sewer includes the stub to which a user connects. The term is interchangeable with house service connection or building sewer.

**MASS EMISSION RATE.** The weight of material discharged to the public sewer system during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of the particular constituent or combination of constituents.

**MEDICAL WASTE.** Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical

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wastes, potentially contaminated laboratory wastes, dialysis wastes, and any other biohazardous waste materials.

**MONTHLY AVERAGE.** The arithmetic average of all the results of analysis for a particular pollutant for that particular month. The results should be of consecutive composite samples.

**NATIONAL CATEGORICAL PRETREATMENT STANDARDS or PRETREATMENT STANDARD.** Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act (33 USC 1347) which applies to users. These terms include prohibitive discharge limits established pursuant to Section 403.5 of EPA's General Pretreatment Regulations.

**NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM or NPDES PERMIT.** A permit issued to a POTW pursuant to section 402 of the Act (33 USC 1342).

**NEW SOURCE.**

(1) Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section provided that:

(a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

(b) The building structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at the existing source; or

(c) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a new source as defined under this division has commenced if the owner or operator has:

(a) Begun, or caused to begin, as part of a continuous on-site construction program:

1. Any placement, assembly, or installation of facilities or equipment; or

2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without

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substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this division.

**NON-DOMESTIC WASTEWATER.** All waterborne solids, liquid or gaseous wastes resulting from any commercial, industrial or institutional activity as classified in the Water and Sewer Rate Ordinance, and distinct from domestic wastewater.

**OILS--MINERAL/PETROLEUM.** Petroleum, oil, non-biodegradable cutting oil, or products of mineral oil origin, measured by a total petroleum hydrocarbon (TPH) test (EPA method 418.1 or equivalent method).

**OILS AND GREASE--ANIMAL/VEGETABLE.** Biodegradable oils, fats and greases such as lard, tallow or vegetable oil, measured by EPA method 413.1 or equivalent method.

**PASS THROUGH.** A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause or a violation of any requirement of the NPDES permit, including an increase in the magnitude or duration of a violation.

**PERSON.** Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

**pH.** A measure of the acidity or alkalinity of a solution, expressed in standard units.

**POLLUTANT.** Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, NH<sub>3</sub>N, toxicity, or odor).

**POLLUTION.** The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

**PREMISES.** A parcel of real estate or portion thereof including any improvements thereon which is a single user for purposes of receiving or using services.

**PRETREATMENT.** The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR section 403.6(d).

**PRETREATMENT REQUIREMENTS.** Any substantive or procedural requirement related to pretreatment, other than a National Categorical Pretreatment Standard imposed on a user.

**PRETREATMENT STANDARDS or STANDARDS.** Prohibited discharge standards, categorical pretreatment standards, and local limits.

**PROHIBITED DISCHARGE STANDARDS or PROHIBITED DISCHARGES.** Absolute prohibitions against the discharge of certain substances; these prohibitions appear in § 3-2-2.

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**PUBLIC SEWER.** A sanitary sewer that is controlled and/or owned by the Authority. This is restricted to the main sewer line whereas the owner is responsible for the lateral sewer line and its connection to the public sewer.

**PUBLICLY OWNED TREATMENT WORKS or POTW.** Any Wastewater Reclamation Plant owned by the Authority and any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey water to the plant.

**SEPTIC TANK WASTE.** Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

**SEVEN DAY or 7 DAY.** Seven consecutive days.

**SEVEN DAY AVERAGE.** The average of seven consecutive composite samples.

**SHALL** is mandatory.

**SIGNIFICANT INDUSTRIAL USER.**

(1) A user subject to categorical pretreatment standards; or

(2) A user that:

(a) Discharges an average of 25,000 GPD or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater); or

(b) Contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(c) Is designated as such by the Industrial Waste Engineer on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(3) Upon a finding that a user meeting the criteria in subsection (2) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Industrial Waste Engineer may at any time, on his own initiative or in response to a petition from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

**SLUG LOAD or SLUG.** Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in § 3-2-2 of this Ordinance.

**STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE.** A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

**STANDARD METHODS.** The laboratory procedures set forth in the latest USEPA-approved edition, at the time of analysis, of *Standard Methods for the Examination of Water and Wastewater*, as prepared, approved and published jointly by the American Public Health Association, the American Water Works Association and the Water Environment Federation.

**STORM SEWER.** A sewer which carries storm and surface waters and drainage, but excludes wastewater and industrial wastes.

**STORM WATER.** Any flow occurring during or following any form of natural precipitation and resulting therefrom.

**TIME WEIGHT COMPOSITE SAMPLE.** A sample consisting of several portions of the user's discharge collected during a 24-hour period in which each portion of sample is



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collected with a specified time frame that is irrespective of flow. The time period may be less than 24 hours to correspond with actual hours of operation.

**TOTAL METALS.** The sum of the concentrations of Copper (Cu), Nickel (Ni), Total Chromium (Cr) and Zinc (Zn).

**TOTAL SUSPENDED SOLIDS.** The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by filtration in accordance with standard laboratory procedures.

**TOTAL TOXIC ORGANICS.** The summation of all values greater than 0.01 milligrams per liter (mg/l) for the list of toxic organics as may be developed by the EPA for each National Categorical Pretreatment Standard. For non-categorical users, the summation of all values above 0.01 mg/l of those listed in 40 CFR 122, Appendix D, Table II, or as directed by the Industrial Waste Engineer.

**TOXIC POLLUTANT.** Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the EPA under the provisions of 33 USC 1317 and any pollutant which is not compatible with the POTW in the opinion of the Industrial Waste Engineer.

**TRAP.** A device for retaining sand, silt, grit, mineral material, petroleum solvent, grease or oil by gravity differential separation from wastewater and of a design and capacity approved by the appropriate Code Administration Division.

**TREATMENT WORKS.** Any devices and systems used by the Authority in the storage, treatment, recycling and reclamation of domestic and nondomestic wastewater including interceptor sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment and appurtenances; extensions, improvements, remodeling, additions and alterations thereof and any works, including land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

**UNPOLLUTED WATER.** Water to which no constituent has been added, either intentionally or accidentally, which would render such water unacceptable to the State of New Mexico or the EPA having jurisdiction thereof for disposal to storm or natural drainage, or directly to surface waters.

**USER, or INDUSTRIAL USER.** Any person, firm, corporation or government entity that discharges, causes or permits the discharge of wastewater into the Authority's treatment works. A USER or INDUSTRIAL USER does not have to be a Customer, as that term is defined in the Albuquerque Bernalillo County Water Utility Authority Water and Sewer Rate Ordinance (O-05-1), to be subject to the terms and conditions of this ordinance.

**WASTE.** Sewage and any and all other waste substances, liquid, solid, gaseous or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing or processing operation of whatever nature, including such waste placed within containers of whatever nature prior to, and for purposes of, disposal.

**WASTEWATER.** Waste and water, whether treated or untreated, discharged into or permitted to enter a public sewer.

**WASTEWATER CONSTITUENTS AND CHARACTERISTICS.** The individual chemical, physical, bacteriological and radiological parameters, including volume and flow rate

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and such other parameters that serve to define, classify or measure the contents, quality, quantity and strength of wastewater.

**WASTEWATER DISCHARGE PERMIT.** A permit authorizing a user to discharge prohibited pollutants into the public sewer, provided that they fulfill all of the reporting requirements of the permit and discharge pollutants at concentrations no greater than are listed in the permit.

**WATER AND SEWER RATE ORDINANCE.** The latest version of Ordinance governing the Authority's water and sewer rates.

**3-1-4. ABBREVIATIONS.**

The following abbreviations shall have the following meanings:

BOD--Biochemical Oxygen Demand

° C.--Degrees Centigrade

CFR--Code of Federal Regulations

CFS--Cubic Feet Per Second

COD--Chemical Oxygen Demand

EPA--Environmental Protection Agency

° F.--Degrees Fahrenheit

GPD--Gallons Per Day

MGD--Million Gallons Per Day

mg/l--Milligrams per liter

NH<sub>3</sub>N – Ammonia Nitrogen

NPDES--National Pollutant Discharge Elimination System

POTW--Publicly Owned Treatment Works

TSS--Total Suspended Solids

USC--United States Code

**3-1-5. PROMULGATION OF REGULATIONS.**

The Executive Director shall promulgate regulations to carry out the provisions of this ordinance. All regulations proposed pursuant to this ordinance shall be enacted by publishing a Notice of Hearing four weeks and two weeks prior to a hearing held to receive comments on the proposed regulations. A Hearing Officer appointed by the Authority's Executive Director shall conduct such hearings and make findings, conclusions, and recommendations to the Executive Director after considering all comments received. The Hearing Officer shall prescribe the rules of procedure to be followed at such hearings.

**PART 2: PROHIBITIONS AND LIMITATIONS ON DISCHARGES**

**3-2-1. PURPOSE AND POLICY.**

Sections 3-2-1 et seq. establish limitations and prohibitions on the quantity and quality of wastewater which may be lawfully discharged into the publicly owned treatment works (POTW). Pretreatment of some wastewater discharges will be required to achieve compliance with this ordinance and the Act. In lieu of pretreating wastewater, industrial users are encouraged to reduce, eliminate, or otherwise prevent polluting substances from entering their waste stream by source reduction or waste minimization. The specific limitations set forth herein are necessary to enable the Authority to meet requirements contained in its NPDES permit, to protect the public health and the environment, and to provide efficient wastewater treatment and protect the health and

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safety of wastewater personnel. The Wastewater Utility Division Industrial Waste Engineer shall periodically review said limitations to ensure that they are sufficient to meet the goals of this ordinance. The Industrial Waste Engineer shall recommend changes or modifications as necessary.

**3-2-2. PROHIBITED POLLUTANTS.**

No user shall introduce into the POTW any of the following pollutants which acting alone or in conjunction with other substances present in the wastewater could interfere with the operation of the POTW:

- (A) Pollutants which could create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140° F (60° C) using the test methods specified in 40 CFR 261.21;
- (B) Pollutants which could cause corrosive structural damage to the POTW, but in no case, discharges with a pH lower than 5.0 or higher than 11.5;
- (C) Solid or viscous pollutants in amounts which could cause obstruction to the flow in the sewers, or other interference with the operation of or which could cause damage to the POTW, including grease, wax or other materials which tend to coat and clog a sewer line or other appurtenances thereto;
- (D) Any pollutant which could cause interference in the POTW or individual unit operations, including oxygen demanding pollutants (BOD, COD, NH<sub>3</sub>N and the like), released in a discharge at a flow rate and/or pollutant concentration which could cause interference in the POTW or individual unit operation;
- (E) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the treatment works influent exceeds 104° F. (40° C.). Unless a higher temperature is allowed in the user's wastewater discharge permit, no user shall discharge into any public sewer or other appurtenance of the POTW wastewater with a temperature exceeding 140° F. (60° C.);
- (F) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through; and in no case greater than 100 mg/l;
- (G) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems as determined by the Industrial Waste Engineer;
- (H) Trucked or hauled pollutants, except at discharge points designated by the Industrial Waste Engineer in accordance with §§ 3-2-11 and 3-2-12;
- (I) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair; or pollution of receiving waters;
- (J) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which subsequently imparts color to the treatment plant's effluent, thereby violating the Authority's NPDES permit;
- (K) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water,

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noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Industrial Waste Engineer;

(L) Sludges, screenings, or other residues from the pretreatment of industrial wastes;

(M) Medical wastes, except as specifically authorized by the Industrial Waste Engineer in a wastewater discharge permit;

(N) Wastewater causing, alone or in conjunction with other sources, the POTW's effluent to fail a NPDES toxicity test;

(O) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;

(P) Fats, oils, or greases of animal or vegetable origin in concentrations greater than 300 mg/l;

(Q) Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than 5% or any single reading over 10% of the lower explosive limit of the meter;

(R) Any pollutant which would result in a violation of any statute, rule, regulation or ordinance of any public agency, including discharges prohibited by EPA.

**3-2-3. WASTEWATER CONSTITUENT EVALUATION.**

(A) The wastewater of a user shall be evaluated upon the following criteria:

(1) Whether the wastewater contains any element or compound which is not adequately removed by the treatment works and which is considered to be an environmental hazard by the Industrial Waste Engineer;

(2) Whether the wastewater causes a discoloration, foam, floating oil or grease, or any other condition in the quality of the Authority's treatment works' effluent such that receiving water quality requirements established by law cannot be met;

(3) Whether the wastewater causes conditions at or near the POTW which violate any statute, rule, or regulation, of any public agency of the state or the United States;

(4) Whether the wastewater contains any element or compound known to act as a lacrimator, known to cause nausea, or known to cause severe odors constituting a public nuisance;

(5) Whether the wastewater causes interference with the effluent or any other product of the treatment process such as residues, sludges or scums rendering them to be unsuitable for reclamation or reuse;

(6) Whether the wastewater has constituents and concentrations in excess of those listed herein;

(7) Whether the wastewater has a higher than normal COD (500 mg/l), BOD (250 mg/l), NH<sub>3</sub>N (25 mg/l), and/or TSS (330 mg/l) and will be subject to an extra strength surcharge at a rate specified in the Water and Sewer Rate Ordinance.

(B) The Industrial Waste Engineer shall establish reasonable limitations or prohibitions in the wastewater discharge permit of any user that discharges wastewater violating any of the above criteria as shall be reasonably necessary to achieve the purpose and policy of this ordinance.

**3-2-4. NATIONAL CATEGORICAL PRETREATMENT STANDARDS.**

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Certain users are now or hereafter shall become subject to National Categorical Pretreatment Standards promulgated by the EPA specifying quantities or concentrations of pollutants or pollutant properties which may be discharged into the POTW. All users subject to a National Categorical Pretreatment Standard shall comply with all requirements of such standard, and shall also comply with any limitations contained in this ordinance. Where duplication of the same pollutant exists, the limitations which are more stringent shall prevail. Compliance with National Categorical Pretreatment Standards for existing sources subject to such standards or for existing sources which hereafter become subject to such standards shall be within three years following promulgation of the standards unless a shorter compliance time is specified in the standards. Compliance with National Categorical Pretreatment Standards for new sources shall be required upon promulgation of the standard. Except where expressly authorized by an applicable National Categorical Pretreatment Standard, no user shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitution for adequate treatment to achieve compliance with such standard.

**3-2-5. PROHIBITIONS OF DRAINAGE OR GROUND WATERS.**

(A) Storm water, ground water, rain water, street drainage, rooftop drainage, basement drainage, subsurface drainage or yard drainage shall not be discharged to a public sewer unless a storm sewer or other reasonable alternative for removal of the drainage does not exist, and then only when the discharge is approved by the Industrial Waste Engineer.

(B) Clean-up waters from ground water remediation sites or other non-standard industrial permitted sources will normally not be accepted into the Authority's sewer system. Exceptions will be considered on a case-by-case basis where a reasonable alternative for discharge does not exist, and then only when the discharge is approved by the Industrial Waste Engineer.

(C) Any entity requesting a discharge of remediation water or any other non-standard industrial permitted discharge shall prepare a detailed proposal describing the proposed discharge's characteristics, including but not limited to: toxicity, biotreatability, analysis of alternatives, hazardous nature, quantity, duration, pass-through potential, POTW biological inhibition potential and any other factors deemed appropriate by the Industrial Waste Engineer.

(D) The Industrial Waste Engineer reserves the right, if the discharge is approved, to impose monitoring and analysis requirements on the entity making the discharge request which can include testing the discharge waters and the POTW influent, effluent and sludge. The Industrial Waste Engineer reserves the right to deny any discharge request or to deny the continuation of a discharge previously approved if in the judgment of the Industrial Waste Engineer the continuance of the discharge is not desirable.

**3-2-6. DILUTION AND UNPOLLUTED WATER.**

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Industrial Waste Engineer may impose

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mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements or in other cases when the imposition of mass limitations is appropriate.

Unpolluted water, including, but not limited to cooling water, shall not be discharged to a public sewer except on the same conditions as provided in § 3-2-5.

**3-2-7. PERSISTENT CHEMICALS.**

Any persistent pesticides or herbicides, such as dieldrin, aldrin, chlordane, endrin, heptachlor, toxaphene, lindane, dioxin, benzene hexachloride (BHC), and polychlorinated biphenyls (PCBs) or other toxic refractory organic chemicals shall not be discharged to a public sewer.

**3-2-8. LIMITATION ON RADIOACTIVE WASTE.**

(A) No user shall discharge or permit to be discharged any radioactive waste into the public sewer.

(B) Hospitals and specialized clinics for radiation treatment may discharge low level radioactive waste when all of the following conditions are met:

(1) The person is authorized to use radioactive materials by the Radiation Protection Bureau of the New Mexico Environment Department;

(2) The waste is discharged in strict conformity with applicable laws and regulations of the aforementioned agencies, or any other agency having jurisdiction; and

(3) A copy of permits received from said regulatory agencies has been filed with the Industrial Waste Engineer.

**3-2-9. LIMITATIONS ON THE USE OF GARBAGE GRINDERS.**

Waste from commercial garbage grinders may be discharged into a public sewer where generated in the preparation of food. Such grinders must shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the public sewers. Garbage grinders shall not be used for the grinding of plastic, paper products, inert materials, or garden refuse.

**3-2-10. LIMITATIONS ON POINT OF DISCHARGE.**

No user shall discharge any substance directly into a manhole or other opening in a public sewer other than through an approved lateral sewer, control manhole or control sanitary cleanout unless they shall have been issued a permit by the Industrial Waste Engineer. The location and design of the control manhole or control sanitary cleanout shall be approved by the Industrial Waste Engineer. The Industrial Waste Engineer shall incorporate in a permit such conditions as he deems reasonably necessary to insure compliance with the provisions of this ordinance and the user shall be required to pay applicable charges and fees therefore.

**3-2-11. SEPTIC TANK OR CHEMICAL TOILET DISCHARGES.**

No user owning vacuum or cesspool-type pumping trucks or other liquid waste transport trucks shall discharge such waste into the POTW, unless such person shall first have applied for and received a septic tank discharge or chemical toilet discharge permit from the Water Utility Department pursuant to the regulations establishing administrative policies and fees for the discharge of septic tank and chemical toilet wastes.

No user, owning vacuum or cesspool type pumping trucks or other liquid waste transport trucks, shall store any waste onsite in any sort of storage vessel whatsoever.

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This limitation shall not apply to collection vehicles which make a last collection of the day too late to discharge to the POTW as long as that vehicle discharges to the POTW at the beginning of the next day.

**3-2-12. OTHER HOLDING TANK WASTE.**

No user shall discharge any other holding tank or trap waste, including grit, grease, or hauled industrial wastes into the POTW without prior approval from the Industrial Waste Engineer. Such wastes from mobile homes and campers are exempt from this provision.

**3-2-13. LIMITATIONS ON POLLUTANT CONCENTRATION.**

Based on the development of technically based local discharge limitations, and latest revisions, no user shall discharge wastewater into the public sewer in excess of the concentration set forth in the table below:

| <i>Daily Maximum Composite Sample<br/>Concentration Limits (mg/l)</i> |        |         |          |   |
|---|--------|---------|----------|---|
| Pollutant   | Case I | Case II | Case III | Applicability   |
| Aluminum  | 900    | 900     | 900      | Contributory industries/<br>Discharges above<br>background @1.3 mg/l          |
| Arsenic   | 0.051  | 0.051   | 0.051    | Contributory<br>industries/<br>Discharges above<br>background @0.0107<br>mg/l |
| Benzene   | 0.05   | 0.05    | 0.05     | All discharges  |
| Cadmium   | 0.05   | 0.05    | 0.05     | Contributory<br>industries/<br>Discharges above<br>background @0.01 mg/l      |
| Chromium, Total   | 4.1    | 4.1     | 4.1      | All discharges  |
| Copper  | 5.3    | 5.3     | 5.3      | Contributory<br>industries/<br>Discharges above<br>background @0.063<br>mg/l  |
| Cyanide   | 0.45   | 0.1     | 0.1      | Contributory<br>Industries/Discharges<br>above background<br>@0.010 mg/l      |
| Fluoride  | 36     | 13.4    | 10.8     | All discharges  |
| Formaldehyde  | 100    | 100     | 100      | All discharges  |
| Lead  | 1.0    | 1.0     | 1.0      | Contributory<br>industries/<br>Discharges above<br>background @0.01 mg/l      |

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|                                   |            |            |            |   |
|-----------------------------------|------------|------------|------------|---|
| Mercury                           | 0.004      | 0.0008     | 0.0007     | All discharges  |
| Molybdenum                        | 2.0        | 2.0        | 2.0        | Contributory industries/  <br>Discharges above<br>background @0.025<br>mg/l   |
| Nickel                            | 2.0        | 2.0        | 2.0        | Contributory<br>industries/ Discharges<br>above<br>background @0.015<br>mg/l  |
| Selenium                          | 0.46       | 0.15       | 0.14       | Contributory<br>industries/<br>Discharges above<br>background @0.002<br>mg/l  |
| Silver                            | 5.0        | 1.0        | 0.8        | Contributory<br>industries /<br>Discharges above<br>background @0.076<br>mg/l |
| Zinc                              | 2.2        | 2.2        | 2.2        | All discharges  |
| Oils-Petroleum                    | 100        | 100        | 100        | All discharges<br>Mineral   |
| Oils & Grease<br>Animal/Vegetable | 300        | 300        | 300        | All discharges  |
| Phenolic<br>Compounds             | 2.0        | 2.0        | 2.0        | All discharges  |
| Total Toxic<br>Organic            | 3.2        | 3.2        | 3.2        | All discharges  |
| BTEX                              | 0.75       | 0.75       | 0.75       | All discharges  |
| pH                                | 5.0 – 11.5 | 5.0 – 11.5 | 5.0 – 11.5 | All discharges  |
| Temperature                       | 140° F     | 140° F     | 140° F     | All discharges  |

**Notes:**

Case I = NPDES permit based on Rio Grande flow greater than or equal to 183 MGD (approximately 283 CFS).

Case II = NPDES permit based on statistical critical low flow per New Mexico Water Quality Standards, 34.6 MGD (approximately 53.7 CFS).

Case III = NPDES permit based on zero Rio Grande flow per Pueblo of Isleta Water Quality Standards (drought condition).

(A). The above river flow conditions are those specified in the NPDES discharge permit issued by Region 6 -- EPA, Dallas, Texas.

(B). Contributory industries/discharges, where indicated as applicable, are those dischargers with measured or anticipated concentrations above the stated background



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concentrations. All other dischargers are limited to the background concentrations as noted. Certain parameters have interim limits calculated pending the outcome of studies in progress for the 2005 NPDES discharge permit renewal. Future revision of these, and other, parameters may be necessary in the future.

(C). The above concentration limits have been based, where possible, on technically determined maximum allowable plant headworks loadings. A safety and growth factor of 20% was used. Once additional loadings are determined to reduce the safety and growth factor to 10%, new concentration limits will need to be considered resulting in potentially lower discharge limits. Lower discharge limits will be promulgated in accordance with Section 3-1-5 of this ordinance.

(D). The Industrial Waste Engineer shall also recommend changes to any of these criteria in the event the POTW effluent standards are changed or in the event that there are changes in any applicable law or regulation affecting same or in the event changes are needed for more effective operation of the POTW.

(E). The above limits apply at the point where the wastewater is discharged to the public sewer system or any other point designated by the Industrial Waste Engineer. All concentrations for metallic substances are for "total" metal unless indicated otherwise. The Industrial Waste Engineer may impose mass limitations in addition to, or in place of, the concentration-based limitations above.

**3-2-14. PRETREATMENT OF WASTEWATER.**

Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in this ordinance within the time limitations specified by EPA, the state, local limits, or the Industrial Waste Engineer, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Industrial Waste Engineer for review, and shall be acceptable to the Industrial Waste Engineer before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Industrial Waste Engineer under the provisions of this ordinance.

**3-2-15. SOURCE REDUCTION AND WASTE MINIMIZATION.**

In lieu of wastewater treatment industrial users may, and are encouraged by the Authority to reduce, eliminate, or otherwise prevent polluting substances from entering their waste stream by source reduction or waste minimization.

**3-2-16. DISCHARGE/SLUG CONTROL PLANS.**

All users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge into the POTW of waste regulated by this ordinance from liquid or raw material storage areas, from truck or rail car loading and unloading areas, from inplant transfer or processing and materials handling areas, and from diked areas or holding ponds. Plans, specifications, and operating procedures for such special permit conditions shall be developed by the user and submitted to the Industrial Waste Engineer for review. The Industrial Waste Engineer may, at his discretion, require quarterly total toxic organics monitoring or the

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submission of a Solvent Management Plan from those users who may have a significant potential of discharge of toxic organics.

At least once every two years, the Industrial Waste Engineer shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The Industrial Waste Engineer may require any user to develop, submit for approval, and implement such a plan. Alternatively, the Industrial Waste Engineer may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

- (A) Description of discharge practices, including nonroutine batch discharges;
  - (B) Description of stored chemicals;
  - (C) Procedures for immediately notifying the Industrial Waste Engineer of any accidental or slug discharge, as required by § 3-5-1; and
  - (D) Procedures to prevent adverse impact from any accidental or slug discharge.
- Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

**3-2-17. OIL AND GREASE DISCHARGE LIMITATIONS.**

The Industrial Waste Engineer shall monitor Authority wastewater discharge permit holders, automotive shops, vehicle fueling stations, septic tank pumpers, commercial food processors, oil tank firms and transporters, and others as appropriate. Existing sources must maintain their traps and separation-treatment systems to insure that grease and oil does not enter the public sewer. New sources must install systems as approved by the appropriate Code Administration Division, to meet the discharge concentrations in § 3-2-13. Existing sources, including restaurants, which have previously been exempt from installing grease traps, shall, within five years of the adoption of this ordinance, install a system as approved by the Code Administration Division to meet the discharge concentrations in § 3-2-13 and § 3-2-2 as well. Further, all establishments with grease traps and separation treatment systems must have their units certified on a regular basis, not to exceed five years, by a licensed plumber that such a system is in good repair and is functioning as designed. Dischargers shall also be subject to monitoring, inspection, reporting and other requirements as determined by the Industrial Waste Engineer at his discretion. These dischargers may not be required by the Industrial Waste Engineer to apply for Wastewater Discharge Permits unless he determines at his discretion that they are a significant source of prohibited pollutants, toxic pollutants in toxic amounts, extra strength discharges, or are otherwise controlled by federal regulations. Dischargers not in compliance shall also be subject to appropriate treatment works operation and maintenance costs necessitated by the oil and grease problem until the problem is corrected.

**3-2-18. HOSPITAL WASTES.**

Hospitals, clinics, offices of medical doctors, and convalescent homes and medical laboratories shall dispose of laboratory pathological wastes, contaminated surgical operating room wastes or contaminated delivery room wastes in accordance with published guidelines by EPA, the Center for Disease Control (CDC) or other appropriate

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agencies. Wastes from the above sources which contain toxic biological contamination, even if not addressed by the above guidelines, shall not be discharged to the public sewer.

**PART 3: WASTEWATER DISCHARGE PERMIT, REPORTS; ADMINISTRATION**

**3-3-1. APPLICABILITY.**

The provisions of this section are applicable to all users of the POTW. Users who do not have Wastewater Discharge Permits shall provide information as may be requested by the Industrial Waste Engineer to establish whether or not the user is regulated under this ordinance by the items listed in § 3-3-2. Any wastewater discharge permits issued hereunder to users who are subject to or who become subject to a National Categorical Pretreatment Standard shall be conditioned upon the user also complying with all applicable substantive and procedural requirements promulgated by the EPA or the state.

**3-3-2. PERMIT REQUIREMENT FOR USERS.**

Any significant industrial user and any other users who meet any of the following criteria shall be required to have a wastewater discharge permit:

- (A) No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Industrial Waste Engineer except that a significant industrial user that has filed a timely application pursuant to § 3-3-1 et seq. may continue to discharge for the time period specified therein.
- (B) The Industrial Waste Engineer may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this ordinance.
- (C) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in § 3-6-1 et seq. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law.
- (D) Process wastewater flow greater than 25,000 gallons per day with significant quantities of parameters listed in § 3-2-13 or with a reasonable potential to exceed the specified maximum concentration of any of these parameters in the judgment of the Industrial Waste Engineer.
- (E) Those engaging in activity which:
  - (1) Results in effluent exceeding or with high potential to exceed the specific maximum concentration of parameters specified in § 3-2-13; and
  - (2) In the judgment of the Industrial Waste Engineer, the site's use is in an industrial class or category which may supply an appreciable contribution of pollutants to the POTW.
- (F) Users who are subject to or who become subject to a National Categorical Pretreatment Standard as that term is defined in 40 CFR 403.3(j), whether or not the user discharges directly into the Authority system or by way of an intermediate system.

**3-3-3. REPORTS OF CHANGED CONDITIONS.**

Each user must notify the Industrial Waste Engineer of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least 45 days before the change.

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(A) The Industrial Waste Engineer may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under § 3-3-4.

(B) The Industrial Waste Engineer may issue a wastewater discharge permit under § 3-3-7 or modify an existing wastewater discharge permit in response to changed conditions or anticipated changed conditions.

(C) For purposes of this requirement, significant changes include, but are not limited to, flow increases of 20% or greater, and the discharge of any previously unreported pollutants.

**3-3-4. APPLICATION FOR WASTEWATER DISCHARGE PERMIT.**

Subject users shall obtain applications from the Industrial Waste Engineer. All applications shall be accompanied by a report containing the information specified in § 3-3-5. Variances shall not be granted except as allowed by EPA under regulation 40 CFR 403.13 for categorical industries and provided such variances allowed by EPA do not exceed the discharge limits established by this ordinance. Application shall also include a site plan with sufficient detail to show all connections with Authority water and sewer lines and the applicant's proposed location of a control manhole or control sanitary cleanout. Detailed plumbing plans shall be maintained on user's premises and made available for inspection upon request. The user shall submit to the Industrial Waste Engineer revised plans whenever alterations or additions to the user's premises affect points of discharge to the Authority system.

**3-3-5. BASELINE MONITORING REPORT REQUIREMENTS.**

(A) Users subject to National Categorical Pretreatment Standards shall submit to the Industrial Waste Engineer a report which contains the information listed in divisions (B)(1) through (7) below. Such report shall be submitted within 180 days after the promulgation by the EPA of a National Categorical Pretreatment Standard under Section 307 (b) or (c) (33 USC 1317(b) or (c)) of the Act or by any date change approved in the Federal Register where such National Categorical Pretreatment Standards have been promulgated prior to the effective date of this ordinance; provided, that users subject to the requirements of 40 CFR Section 403.12 may file with the Industrial Waste Engineer a copy of a report submitted to the "Approval Authority" as defined in said section in lieu of the report herein provided. At least 90 days prior to commencement of discharge, new sources, and sources that become users subsequent to the promulgation of any applicable Pretreatment Standard, shall be required to submit to the Industrial Waste Engineer a report which contains the information listed in divisions (B)(1) through (7) of this section. New sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable Pretreatment Standards. New sources shall give estimates of the information requested in divisions (B)(3) through (6) of this section.

(B) All reports shall contain the following:

(1) The name and address of the user. If the user is a partnership or proprietorship, the names of all partners or proprietors must be submitted to the Industrial Waste Engineer along with the name of the authorized representative.

(2) The location of such user.

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(3) The nature, average rate of production and Standard Industrial Classification of the operation(s) carried out by such user.

(4) The average and maximum flow of the discharge from such user to the POTW, in gallons per day.

(5) The nature and concentration of pollutants in the discharge from each regulated process from such user and identification of any applicable Pretreatment Standards and Requirements. The concentration shall be reported as a maximum or average level as provided for in the applicable Pretreatment Standard. If an equivalent concentration limit has been calculated in accordance with any Pretreatment Standard, this adjusted concentration limit shall also be submitted to the Industrial Waste Engineer for approval.

(6) A statement, approved by an Authorized Representative of the user and certified by a professional engineer registered in the state, indicating whether Pretreatment Standards are being met on a consistent basis and, if not, whether additional operation and maintenance procedures or additional pretreatment is required for the user to meet the Pretreatment Standards and Requirements.

(7) If additional pretreatment or operation and maintenance procedures will be required to meet the Pretreatment Standards, then the report shall contain the shortest schedule by which the user will provide such additional pretreatment. Such schedule shall be in compliance with § 3-3-9, and the completion date in the schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.

(C) For purposes of this section when the context so indicates the phrase PRETREATMENT STANDARD shall include either a National Categorical Pretreatment Standard or a pretreatment standard imposed as a result of the user's discharging any pollutant regulated by § 3-2-1 et seq. For purposes of this section the term POLLUTANT shall include any pollutant identified in a National Categorical Pretreatment Standard or any pollutant identified in § 3-2-1 et seq.

**3-3-6. INCOMPLETE APPLICATIONS.**

The Industrial Waste Engineer will act only on applications that are accompanied by a complete report. Persons who have filed incomplete applications will be notified by the Industrial Waste Engineer of the nature of the deficiency and will be given 30 days to correct the deficiency. If the deficiency is not corrected within 30 days, the Industrial Waste Engineer shall deny the application for a wastewater discharge permit and notify the applicant in writing of such action.

**3-3-7. EVALUATION OF APPLICATIONS.**

(A) Within 30 days of receipt of complete applications, including revisions to previously approved applications, the Industrial Waste Engineer shall review and evaluate the applications and shall propose such other special wastewater discharge permit conditions as he deems advisable. All wastewater discharge permits shall be expressly subject to all the provisions of this ordinance and all other applicable ordinances, laws, or regulations.

(B) The Industrial Waste Engineer may also propose that the wastewater discharge permit be subject to one or more permit conditions in regard to any of the following:

(1) Pretreatment Requirements;

(2) The average and maximum wastewater constituents and characteristics;

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(3) Limits on rate and time of discharge or requirements for flow regulations and equalization;

(4) Requirements for installation of control manhole(s), control sanitary cleanout(s), and appurtenance(s);

(5) Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, types and standards for tests and reporting schedule;

(6) Requirements for submission of technical reports or discharge reports;

(7) Requirements for maintaining records relating to wastewater discharge;

(8) Mean and maximum mass emission rates, or other appropriate limits when pollutants (as set forth in § 3-2-13) are proposed or present in the user's wastewater discharge;

(9) A reasonable compliance schedule in compliance with § 3-3-9, not to extend beyond or such earlier date as may be required by other applicable law or regulation, whichever is sooner, to ensure the user's compliance with pretreatment requirements or improved methods of operation and maintenance;

(10) Requirements for the installation of facilities to prevent and control accidental discharge or "spills" at the user's premises;

(11) Other special conditions deemed appropriate by the Industrial Waste Engineer to insure compliance with this ordinance.

**3-3-8. APPLICANT TO BE NOTIFIED OF PROPOSED PERMIT CONDITIONS; RIGHT TO OBJECT.**

(A) Upon completion of his evaluation, the Industrial Waste Engineer shall prepare and transmit a discharge permit and notify the applicant of any permit conditions which he proposes.

(B) The applicant shall have 30 days from the date of issue of the Wastewater Discharge Permit to file written objections with the Industrial Waste Engineer to any permit conditions that are more stringent than Pretreatment Standards or limitations in this ordinance or are otherwise not listed in either. The Industrial Waste Engineer shall initiate a response (verbal or written) within 15 days following receipt of the applicant's written objections, and attempt to resolve disputed issues concerning permit conditions.

(C) If applicant files no written objection to the permit it shall remain in effect. If a subsequent agreement is reached concerning changes in permit conditions, the Industrial Waste Engineer shall modify the Wastewater Discharge Permit to applicant with such conditions incorporated. In the event objections are filed by the user (i.e., the applicant) and there is no mutually accepted resolution of such objections, the Industrial Waste Engineer shall issue a final determination on the requirements of the Wastewater Discharge Permit by certified mail, return receipt requested or by personally delivering such decision to the user.

**3-3-9. COMPLIANCE SCHEDULE AND REPORTING REQUIREMENTS.**

The following conditions shall apply to any schedule required by § 3-3-5 or § 3-3-7:

(A) The schedule shall contain dates for the commencement and completion of major events leading to compliance with the applicable Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing

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contract for major components, commencing construction, completing construction and the like).

(B) No increment of progress in the compliance schedule shall exceed nine months.

(C) Not later than 14 days following each date in the schedule, the user shall submit a progress report to the Industrial Waste Engineer. The report shall state whether or not the user complied with the increment of progress to be met on such date and, if not, the date on which the user expects to comply; the reason for the delay; and steps being taken by the user to return to the schedule established.

(D) Report on compliance with National Categorical Pretreatment Standard Deadline.

(1) Within 90 days following the date for final compliance with applicable Pretreatment Standards, or in the case of a New Source, 90 days prior to commencement of discharge to the POTW, any user subject to Pretreatment Standards and Requirements shall submit to the Industrial Waste Engineer a report stating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and Requirements, and the average and maximum daily flow for these process units. A minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, 24-hour flow weight composite samples must be employed where technically feasible. The Industrial Waste Engineer may waive flow-proportional composite sampling for any user that demonstrates that flow-proportional sampling is infeasible. In such cases, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. The user shall take a minimum of one representative sample to compile the data necessary to comply with the requirements of this division (D). Test procedures for measurements of pollutant amounts, characteristics or properties in effluent limitations guidelines and standards of performance and pretreatment standards must be employed as stated in 40 CFR part 136 unless specifically noted otherwise in the permit.

(2) The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional Operation and Maintenance procedure or pretreatment is necessary to bring the user into compliance. This statement shall be signed by an Authorized Representative of the user, and certified by a professional engineer registered in the state.

(E) Periodic Reports on Continued Compliance.

(1) Any user subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit a Discharge Monitoring Report to the Industrial Waste Engineer during the months of July and January, unless required more frequently in the Pretreatment Standard or by the Industrial Waste Engineer. The report shall contain the results of sampling and analysis of the Discharge, including the flow and the nature and concentration, or production and mass where requested by the Industrial Waste Engineer, of pollutants contained therein which are limited by the applicable Pretreatment Standards. If sampling performed by a user indicates a violation of applicable Pretreatment Standards, the user shall notify the Industrial Waste

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Engineer within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Industrial Waste Engineer within 30 days after becoming aware of the violation unless the Industrial Waste Engineer chooses to perform the monitoring in lieu of the user. At the discretion of the Industrial Waste Engineer and in consideration of such factors as local high or low flow rates, holidays, budget cycles, and the like, the Industrial Waste Engineer may agree to alter the months during which the above reports are to be submitted.

(2) No user shall ever increase the use of process water or, in any other way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a categorical Pretreatment Standard. The Industrial Waste Engineer may impose mass emission rates on users which are using dilution to meet applicable Pretreatment Standards or Requirements or in other cases where the imposition of mass emission rates are appropriate. In such cases, the report required by subsection (1) of this subsection (E) shall contain the user's actual production during the appropriate sampling period in addition to those requirements listed in subsection (1).

(F) The user shall notify the POTW immediately by telephone, as set out in § 3-5-1, of any slug loading.

(G) The reports required in this section shall contain the results of sampling and analysis of the discharge, including the nature and concentration of the flow, or production and mass limits, where required, of pollutants contained therein which are limited by the applicable Pretreatment Standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analyses shall be performed in accordance with procedures established by the EPA under the provisions of section 304(h) of the Act (33 USC 1314(h)) and contained in 40 CFR Part 136 and amendments thereto or with any other test procedures approved by the EPA or the Industrial Waste Engineer. Sampling shall be performed in accordance with the techniques approved by the EPA, or the Industrial Waste Engineer. If a user monitors any pollutant more frequently than required by the Industrial Waste Engineer, using the procedures prescribed in this § 3-3-1 et seq., the results of this monitoring shall be included in the report.

(H) Any user required by this section to submit a similar report to the Approval Authority under the provisions of 40 CFR 403.12, may submit to the Industrial Waste Engineer a copy of said report in lieu of a separate report to the Industrial Waste Engineer, provided that all information required by this ordinance is included in the report.

**3-3-10. NOTIFICATION OF THE DISCHARGE OF HAZARDOUS WASTE.**

(A) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than 100 kilograms of such waste per calendar



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month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following 12 months. All notifications must take place no later than 180 days after the discharge commences. Any notifications under this division need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under § 3-3-3. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical or ordinance pretreatment standards under any self-monitoring requirements of § 3-3-5 and 3-3-9.

(B) Discharges are exempt from the requirements of subsection (A) above during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 161.33(e). Discharges of more than 15 kilograms of nonacute hazardous wastes in a calendar month, or any quantity of acute hazardous wastes as specified in 40 CFR 161.30(d) and 261.33(e) requires a one time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

(C) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the Industrial Waste Engineer, the EPA Regional Waste Management Division Director, and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

(D) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(E) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this section, a permit issued thereunder, or any applicable federal or state law.

**3-3-11. MAINTENANCE OF RECORDS.**

(A) Any user subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section. Such records shall include:

- (1) The date, exact place, method, and time of sampling and the names of the persons taking the samples;
- (2) The dates analyses were performed;
- (3) Who performed the analyses;
- (4) The analytical techniques/methods used; and
- (5) The results of such analyses.

(B) Any user subject to the reporting requirement established in § 3-3-1 et seq. shall be required to retain for a minimum of three years any records of monitoring activities and results (whether or not such monitoring activities are required by § 3-3-1 et seq.) and shall make such records available for inspection and copying by the Industrial

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Waste Engineer, New Mexico Environment Department, or the EPA. This period of retention shall be extended during the course of any unresolved litigation regarding the user or when requested by the Industrial Waste Engineer, New Mexico Environment Department, or the EPA.

**3-3-12. DURATION OF WASTEWATER DISCHARGE PERMIT.**

Wastewater Discharge Permits shall be issued for a maximum period of five years.

Notwithstanding the foregoing, users becoming subject to a National Categorical Pretreatment Standard shall apply for new permits on the effective date of such National Categorical Pretreatment Standard. The Industrial Waste Engineer shall notify in writing any user whom he has cause to believe is subject to a National Categorical Pretreatment Standard, of the promulgation of such federal regulations; provided that any failure of the Industrial Waste Engineer in this regard shall not relieve the user of the duty of complying with such National Categorical Pretreatment Standard. A user must apply in writing for a renewal of the wastewater discharge permit within not more than 90 days and not less than 30 days prior to expiration of the current permit.

Limitations or conditions of a wastewater discharge permit are subject to modification or change as such changes may become necessary due to changes in applicable Standard(s), in the Authority's NPDES permit, in § 3-2-1 et seq., in other applicable law or regulation, or for other just cause. Should such changes be necessary, a new permit will be issued which shall supersede the previous permit and be subject to the same 30-day opportunity for comment. Any change or new condition in a permit shall include a schedule for compliance. The user may appeal the decision of the Industrial Waste Engineer in regard to any changed permit conditions as provided in § 3-3-8(B).

**3-3-13. TRANSFER OF A PERMIT.**

Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, or for different premises.

**3-3-14. REVOCATION OF PERMIT.**

Any permit issued under the provisions of this ordinance is subject to being modified, suspended, or revoked in whole or in part by the Industrial Waste Engineer during its term for cause including but not limited to, the following:

- (A) Violation of any terms or conditions of the wastewater discharge permit or other applicable law or regulation;
- (B) Obtaining of a permit by misrepresentation or failure to disclose fully all relevant facts;
- (C) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;
- (D) Failing to meet new National Categorical Pretreatment Standards; or
- (E) Violation of any provision of this ordinance including but not limited to the discharge prohibited in § 3-6-1.

**PART 4: INSPECTIONS, MONITORING, AND ENTRY**

**3-4-1. SPECIFIC REQUIREMENTS; RIGHT OF ENTRY.**

The following is required to carry out the objectives of this ordinance, including but not limited to developing or assisting in the development of any effluent limitation, or other limitation, prohibition, or effluent standard, pretreatment standard, standard of

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performance, or permit condition under this ordinance. The following actions shall be required to determine whether any person is in violation of any such effluent limitation, or other limitation, prohibition or effluent standard, pretreatment standard, standard of performance, or permit condition; enforcing any requirement established under this section.

(A) The Industrial Waste Engineer shall require any user to:

- (1) Establish and maintain records as necessary;
- (2) Make reports as necessary;
- (3) Provide, at the discretion of the Industrial Waste Engineer, a control

manhole, control sanitary cleanout, or any other device or facility suitable and appropriate to enable the Industrial Waste Engineer or his authorized representative to conduct gauging and sampling operations to determine conformance with the criteria and effluent standards of § 3-2-1 et seq. adopted by this ordinance;

(4) Sample such effluents, in accordance with such methods, at such locations, at such intervals, and in such manner as the Industrial Waste Engineer shall prescribe; and

- (5) Provide such other information as he may reasonably require.

(B) The Industrial Waste Engineer or his authorized representative, upon presentation of his credentials:

(1) Shall have a right of entry to, upon, or through any premises in which an effluent source is located or in which any records required to be maintained under division (A) of this section are located; and

(2) May at reasonable times have access to and copy any records, inspect any monitoring equipment or method required herein and sample any effluents which the owner or operator of such source is required to sample under subsection (A) of this section.

**3-4-2. RECORD KEEPING AND TRADE SECRETS.**

(A) Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the date analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user or the Authority, or where the user has been specifically notified of a longer retention period by the Industrial Waste Engineer.

(B) Information and data on a user obtained from reports, surveys, wastewater discharge permits, and monitoring programs, and from the Industrial Waste Engineer's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Industrial Waste Engineer, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law. Any such request must be asserted at the time of

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submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

**3-4-3. APPROVAL OF PLANS.**

Specific requirements under the provisions of § 3-4-1(A) shall be established by the Industrial Waste Engineer for each user and such requirements shall be included as a condition of the user's Wastewater Discharge Permit. The nature or degree of any requirement under this provision shall depend upon the nature of the user's discharge, the impact of the discharge on the POTW, the volume of water discharged, and the technical feasibility of and economic reasonableness of any such requirement imposed. The user shall be required to design any necessary facility, and to submit detailed design plans and operating procedures to the Industrial Waste Engineer for review in accordance with accepted engineering practices. The Industrial Waste Engineer shall review the plans within 30 days and shall recommend to the user any change he deems appropriate.

**3-4-4. BUILDING CODE PERMITS.**

Upon approval of plans as specified in § 3-4-3, the user shall secure such building, electrical, plumbing or other permits as may be required by other applicable provisions of code and any other ordinance of the applicable jurisdiction and proceed to construct any necessary facility and establish such operating procedures as are required within the time provided in the user's Wastewater Discharge Permit.

**3-4-5. LEGAL PROCEDURES FOR DENIAL OF RIGHT OF ENTRY.**

In the event any user denies the Industrial Waste Engineer or his authorized representative of the right of entry, to or upon the user's premises, for purposes of inspection, sampling effluents, or inspecting and copying records, or performing such other duties as shall be imposed upon him by § 3-4-1 et seq., the Industrial Waste Engineer shall seek a search warrant or use such other legal procedures as shall be advisable and reasonably necessary to discharge his duties under this section. Each denial of entry by the user shall constitute a separate violation of this ordinance, provided that the Industrial Waste Engineer shall make no more than one demand each calendar day. Such demands may be made in writing or verbally.

**3-4-6. MODIFICATION, SUSPENSION OR REVOCATION OF PERMIT.**

Any user who denies the Industrial Waste Engineer or his authorized representative of the right to enter upon the user's premises for purposes of inspection, sampling effluents, inspecting and copying records, or such other duties as may be imposed upon him by § 3-4-1 et seq., shall be deemed to have violated the conditions of his Wastewater Discharge Permit and such permit shall be subject to modification, suspension, or revocation under the procedures established in this ordinance. The user

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may appeal any modification, suspension, or revocation of a permit as otherwise provided in this ordinance.

**PART 5: ACCIDENTAL/SLUG DISCHARGE NOTIFICATION REQUIREMENTS**

**3-5-1. TELEPHONE NOTIFICATION.**

In case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the Wastewater Utility Division, Industrial Pretreatment Section during business hours or the Southside Water Reclamation Plant Shift Supervisor after hours. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

**3-5-2. WRITTEN REPORT.**

Within five days following such occurrence, the user shall provide the Industrial Waste Engineer with a detailed written report describing the cause of the dangerous discharge and measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this ordinance or other applicable law.

**3-5-3. NOTICE TO EMPLOYEES.**

A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure per § 3-5-1.

**PART 6: ADMINISTRATION AND ENFORCEMENT**

**3-6-1. PROHIBITIONS; DEFINITION.**

(A) No person shall discharge septage, wastewater, liquid waste, holding tank waste, domestic wastewater, or any other waste governed by this ordinance into or onto any place or area other than those properly functioning enclosed systems, liquid waste treatment systems, or POTWs as allowed by law, including government regulation. As such, discharge of these wastes to the ground surface or drainage conveyances not designed for wastewater either directly or indirectly shall constitute a violation of this ordinance. Such discharge not specifically allowed by law shall constitute a violation of this ordinance whenever such discharge occurs within the Authority, regardless of the origin of the waste discharged. Such discharge not specifically allowed by law shall be a basis for revocation, suspension, or modification of any permit issued under the provisions of this ordinance, regardless of the location of the disposal site.

(B) **ILLEGAL DISCHARGES** shall include, but are not limited to, unauthorized connection to the POTW, sanitary sewer connections to any storm sewer system, holding tank waste other than to the POTW or other approved sites, any surfacing sewage from a broken or blocked sewer connection and any discharge in violation of this ordinance.

**3-6-2. CONCILIATION MEETINGS.**

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The Industrial Waste Engineer may require representatives of the user to a conciliation meeting to discuss the violation and methods of correcting the cause of the violation. Such additional meetings as the Industrial Waste Engineer and the user deem advisable may be held to resolve the problem. If the user and the Industrial Waste Engineer can agree to appropriate remedial and preventative measures, they shall commit such agreement to writing with provisions for a reasonable compliance schedule and the same shall be incorporated as a supplemental condition of the user's Wastewater Discharge Permit. If an agreement is not reached through the conciliation process within a time satisfactory to the Industrial Waste Engineer and a violation of the provisions of this ordinance continues, the Industrial Waste Engineer shall modify, suspend, or revoke the user's Wastewater Discharge Permit pursuant to the procedures set forth in this ordinance.

**3-6-3. NOTIFICATION OF SUSPENSION OR REVOCATION AND TERMINATION OF SERVICE.**

(A) If the Industrial Waste Engineer seeks to suspend or revoke the user's Wastewater Discharge Permit he shall notify the user of the nature of the violation for which revocation or suspension is sought with sufficient specificity as to the character of the violation and the dates at which such violation occurred to enable the user to prepare his defense. Such notice shall be mailed to the user by certified mail, return receipt requested, or shall be personally delivered to the user at least 30 days prior to the suspension or revocation.

(B) A suspension or revocation may lead to termination of service. Termination of service shall include, but is not limited to, blocking the user's connection to the POTW and disconnecting Authority water service for the same location.

**3-6-4. CITATION TO METROPOLITAN COURT.**

The Industrial Waste Engineer may also cite the user to Bernalillo County Metropolitan Court for violation of any provision of this ordinance. A violation of any condition of the user's Wastewater Discharge Permit shall be deemed to be a violation of this ordinance.

**3-6-5. INJUNCTIVE RELIEF.**

As an additional means of enforcement, the Authority may file in District Court of Bernalillo County or such other courts as may have jurisdiction, a suit seeking the issuance of an injunction, damages, or other appropriate relief to enforce the provisions of this ordinance or applicable law or regulation. Suit may be brought to recover any and all damages suffered by the Authority as a result of any action or inaction of any user or other person who causes or suffers damage to occur to the POTW or for any other expense, loss of damage of any kind or nature suffered by the Authority.

**3-6-6. ASSESSMENT OF DAMAGES TO USERS.**

When a discharge of waste causes an obstruction, damage, or any other impairment to the public sewer or POTW, or any expense of whatever character or nature to the Authority, the Industrial Waste Engineer shall assess the expenses incurred by the Authority to clear the obstruction, repair damage to the facility, and any other expenses or damages incurred by the Authority. The Industrial Waste Engineer shall file a claim with the user or any other person causing or suffering the damages to incur seeking reimbursement for any and all expenses or damages suffered by the Authority. If the claim is ignored or denied, the Industrial Waste Engineer shall notify the Executive

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Director to take such measures as shall be appropriate to recover any expense or other damages suffered by the Authority.

**3-6-7. PETITION FOR FEDERAL OR STATE ENFORCEMENT.**

In addition to other remedies for enforcement provided herein, the Industrial Waste Engineer may petition the state or the EPA, as appropriate to exercise such methods or remedies as shall be available to such government entities to seek criminal or civil penalties, injunctive relief, or such other remedies as may be provided by applicable federal or state laws to insure compliance by users of applicable pretreatment standards, to prevent the introduction of toxic pollutants or other regulated pollutants into the POTW, or to prevent such other water pollution as may be regulated by state or federal law.

**3-6-8. EMERGENCY TERMINATION OF SERVICE.**

In the event of an actual or threatened discharge to the POTW of any pollutant which in the opinion of the Industrial Waste Engineer presents or may present an imminent and substantial endangerment to the health or welfare of persons, or cause interference with the POTW, the Industrial Waste Engineer or in his absence the person then in charge of the treatment works shall immediately notify the General Manager, Water Utility Department and the Manager, Wastewater Utility Division of the nature of the emergency. The Industrial Waste Engineer shall also attempt to notify the user or other person causing the emergency and request their assistance in abating same. Following consultation with the aforementioned officials of the Authority and the Water Utility Department, or in their absence such officials of the Authority as may be available, the Industrial Waste Engineer shall temporarily terminate the service of such user or users as are necessary to abate the condition when such action appears reasonably necessary. Termination of the service shall include, but is not limited to, blocking the user's connection to the POTW and discontinuing Authority water service for the same location at which the pollutant is located. Such service shall be restored by the Industrial Waste Engineer as soon as the emergency situation has been abated or corrected.

**3-6-9. IMMEDIATE ACTION.**

The Industrial Waste Engineer shall report to the Manager, Wastewater Utility Division his intent to institute any action under the provisions of § 3-6-4, 3-6-5, and 3-6-6 and seek the advice of the Manager in regard thereto, unless he shall determine that immediate action is advisable.

**3-6-10. INDUSTRIAL WASTE ENGINEER AND STAFF.**

The Industrial Waste Engineer and his staff shall be responsible for the administration of all sections of this ordinance.

**3-6-11. AUTHORITY OF INDUSTRIAL WASTE ENGINEER.**

The Executive Director shall designate the Industrial Waste Engineer and other appropriate designees as agents who shall have the authority to enforce all sections of this ordinance. The Industrial Waste Engineer shall be responsible and have the authority to operate the approved Pretreatment Program, and shall be responsible for the preparation of operating budgets and recommendations to the Wastewater Utility Division concerning activities within his responsibility and authority.

**3-6-12. RECORDS.**

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The Industrial Waste Engineer shall keep in his office all applications required under this ordinance, a complete record thereof, including a record of all wastewater discharge permits. He shall also maintain a copy of the minutes and other records of the Hearing Officer concerning hearings related to this ordinance.

**3-6-13. INDUSTRIAL WASTE ENGINEER TO ASSIST HEARING OFFICER.**

The Industrial Waste Engineer shall attend hearings of the Hearing Officer pertaining to this ordinance or whenever it is necessary for him to be absent he shall send a designated representative, and shall make such reports to and assist said Hearing Officer in the administration of this ordinance.

**3-6-14. USERS NOTIFIED OF PRETREATMENT STANDARDS.**

The Industrial Waste Engineer shall notify users identified in 40 CFR 403.8 (f)(2)(i) of any applicable pretreatment standards or other applicable requirements promulgated by the EPA under the provisions of section 204(b) of the Act (33 USC 1284), section 405 of the Act (33 USC 1345), or under the provisions of sections 3001 (42 USC 6921), 3004 (42 USC 6924) or 4004 (42 USC 6944) of the Solid Waste Disposal Act. Failure of the Industrial Waste Engineer to so notify users shall not relieve said users from the responsibility of complying with these requirements.

**3-6-15. PUBLIC NOTIFICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE.**

The Industrial Waste Engineer shall publish annually, in the largest daily newspaper published in the service area, a list of the users which at any time during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The term "significant" shall mean:

- (A) Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of wastewater measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or average limit for the same pollutant parameter;
- (B) Technical Review Criteria (TRC) violations, defined here as those in which 33% or more of all of the wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the products of the daily maximum limit or the average limit multiplied by the applicable TRC (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- (C) Any other discharge violation that the Industrial Waste Engineer determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
- (D) Any discharge or pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Industrial Waste Engineer's exercise of his emergency authority to halt or prevent such a discharge; (§ 3-6-8)
- (E) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (F) Failure to provide within 30 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (G) Failure to accurately report noncompliance; or



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(H) Any other violation(s) which the Industrial Waste Engineer determines will adversely affect the operation or implementation of the local pretreatment program.

**3-6-16. ANNUAL POTW REPORTS.**

The Industrial Waste Engineer shall provide the Approval Authority with a report that briefly describes the POTW's program activities. The report shall be submitted annually and shall include, at the minimum, the following:

(A) An updated list of the POTW's users including their names and addresses or a list of deletions and additions keyed to a previously submitted list. The Industrial Waste Engineer shall provide a brief explanation of each deletion. This list shall identify which users are subject to National Categorical Pretreatment Standards and specify which standards are applicable to each user. The list shall indicate which users are subject to local standards that are more stringent than the National Categorical Pretreatment standards. The Industrial Waste Engineer shall also list the Industrial users that are subject only to local requirements.

(B) A summary of the status of user compliance over the reporting period.

(C) A summary of compliance and enforcement activities (including inspections) conducted by the Industrial Waste Engineer during the reporting period.

(D) Any other relevant information requested by the Approval Authority.

**3-6-17. HEARING OFFICER PROCEDURES; JUDICIAL REVIEW.**

(A) Adjudicatory Hearing. The Hearing Officer shall schedule an adjudicatory hearing to hear appeals as provided herein.

(B) Record and Testimony at Hearing. The Hearing Officer shall establish rules or procedures for such hearings.

(C) Administrative Remedies.

(1) Any user may request a hearing in the event the Industrial Waste Engineer gives notice to the user that the user's Wastewater Discharge Permit will be suspended or revoked (the "Notice"). All other determinations by the Industrial Waste Engineer shall be the final administrative decision. The exclusive remedy for any user dissatisfied with any final decision, other than suspension or revocation of a Wastewater Discharge Permit, of the Industrial Waste Engineer shall be the filing of a Petition for Writ of Certiorari in the Second Judicial District Court of Bernalillo County, New Mexico, within 30 days of user's receipt of such written decision. The Petition for Review shall be limited to the record of the proceedings of the Industrial Waste Engineer.

(2) Any user subject to a Notice of Revocation or Suspension of a Wastewater Discharge Permit shall submit a written request for a hearing to review the suspension or revocation (Request for Hearing) to the Industrial Waste Engineer within ten days of the user's receipt of such Notice. Failure of the user to submit a Request for Hearing shall preclude the user from any appeal of the suspension or revocation, including administrative appeal and judicial appeal or review.

(3) Upon timely receipt of a Request for Hearing, the Industrial Waste Engineer shall request the appointment of a Hearing Officer.

(4) The Request for Hearing shall set forth with particularity the matter complained of and the error of the Industrial Waste Engineer's determination to suspend or revoke that is alleged.

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(5) The suspension or revocation shall continue in effect from the effective date given in the Notice of the suspension or revocation until completion of the hearing, provided that all such hearings shall begin within 30 days of the day the Industrial Waste Engineer received the Request for Hearing. In the event the Hearing is not begun within the 30-day period, the suspension or revocation shall be terminated until the Hearing Officer issues a final determination.

(6) When the Hearing Officer determines that the contested issues are only of law, the examination need not include oral argument of the parties or their counsel or an evidentiary proceeding. The Hearing Officer's final order shall be the final administrative decision and shall exhaust all administrative remedies of the parties.

(7) A nonrefundable hearing fee of \$50.00 shall accompany each request for hearing by the Hearing Officer filed pursuant to this Section.

(D) Judicial Review. The exclusive remedy for any party dissatisfied with any final decision of the Hearing Officer shall be the filing of a Petition for Writ of Certiorari to the District Court within 30 days after written notice of the decision to the concerned party. The petition for review shall be limited to the record of the proceedings of the Hearing Officer.

**3-6-99. PENALTY.**

(A) Violation of this ordinance. Any person who violates any effluent standard or limitation of this ordinance, violates any term or condition of a Wastewater Discharge Permit, fails to complete a filing or reporting requirement, fails to perform or properly report any required monitoring, violates a final order or determination of the Industrial Waste Engineer or Hearing Officer, fails to pay any established sewer charge or otherwise violates any provision of this ordinance shall be subject to a fine not more than the maximum allowed pursuant to Ordinance 05-1, Section 1-1-99, as that Ordinance may be superceded from time to time.

(B) Each Violation a Separate Offense. Each separate violation shall constitute a separate offense and, upon conviction, each day of violation shall constitute a separate offense. Each violation of a concentration limit shall constitute a separate offense.